

Draft Exempt Plea Need Not Be Filed Now

Attorney General Rules That
Claims Can Wait Until
Governor Calls Eligibles

No Need of Affidavit
15 Days After Census

Lewis Says State Military
Law Is Superseded by
Federal Statutes

(By Telegraph to The Tribune.)

Albany, June 14.—Attorney General Merton E. Lewis has decided that it is unnecessary for men between eighteen and forty-five years old, who consider themselves exempt from militia duty, to file claims of exemption within fifteen days of the state census. This is a provision of the state law, he holds, which has been superseded by Federal statute.

In other words, Mr. Lewis agrees with Adjutant General Stetson that a man may claim exemption whenever the Governor decides upon a draft, whether such claim was filed with the County Clerk in the fifteen-day period after enrollment or not.

Many thousands of men, recently enrolled by the military census agents, have been besieging the county clerks of the state with their claims of exemption. Most of them do not fall within the exempt classes enumerated in the national defense act, but have been anxious to put in claims. The county clerks have been unable to accept their affidavits, and now that the Attorney General has decided against the provision of the state military law printed on the back of their enrollment slips, which directed them to the County Clerk's office, they may cease to press their errand.

Attorney General's Opinion

Attorney General Lewis says in his opinion: "While it may have been the intent of Sections 2 and 3 of the State Military Law, enacted to provide that one who did not claim exemption within fifteen days after notice of enrollment would be deemed conclusively to have waived his right to exemption, these sections cannot now be considered to have that effect."

"To-day the composition of the militia is defined by Section 57 of the National Defense Act and, under Section 1 of the Military Law as amended, the State Militia is merely that part of the national militia resident in the state. Section 57 of the National Defense Act exempts certain stated classes from service in the militia, and certain other persons from constant service."

"The right to exemption is derived

from the Federal law, and I do not think that failure within fifteen days after notice of the state enrollment to file with state authorities a claim of exemption would constitute a bar to the right to claim that exemption at the time of draft, under the Federal statute. The duty to serve and the right to be exempt from service are both matters in which the Federal law is now paramount, and I do not consider that the technicalities of the state law should be deemed to limit or restrict either such duty or such right."

The national defense act provides that the militia of the United States shall be composed of all able-bodied male citizens between the ages of eighteen and forty-five, and that it shall be divided into three classes, the National Guard, Naval Militia and the unorganized militia.

List of Exempted

The exemptions provided in Section 59 are as follows:

"The Vice-President of the United States, the officers, judicial and executive, of the Government of the United States and of the several states and territories, persons in the military or naval service of the United States, custom house clerks, persons employed by the United States in the transmission of mail, artificers and workmen employed in the armories, arsenals and navy yards of the United States, pilots, masters actually employed in the sea service of any citizen or merchant within the United States, shall be exempt from militia duty without regard to age, and all persons who, because of religious belief shall claim exemption from military service, if the conscientious holding of such belief by such person shall be established under such regulations as the President shall prescribe, shall be exempted from militia duty in a combatant capacity, but no person so exempted shall be exempt from militia service in any capacity that the President shall declare to be non-combatant."

Complaints that regulars and guardsmen are invading public meetings, causing disturbances, drawing revolvers on women and otherwise "inciting the people to riotous protest," were filed yesterday by Julius Gerber, secretary of the Socialist Party, with Mayor Mitchell and Police Commissioner Woods.

Mr. Gerber cited five instances where, he said, soldiers had "conducted themselves not in a way to increase respect for the United States army." In a letter to the Mayor and the Commissioner he asked:

"Has the Police Department advocated in favor of the soldiers, or are we still to depend on the police for protection against the soldiers creating disorder at our meetings and social gatherings?"

Commissioner Woods said yesterday that Mr. Gerber's complaint would be investigated.

"We certainly intend to protect all lawful meetings," he asserted, "and we will not depend on the police for protection against the soldiers creating disorder at our meetings and social gatherings."

An officer at Major General Bell's headquarters said that if soldiers were making themselves obnoxious at public meetings it was against army discipline.

"Of course soldiers have a right to go to public meetings, but they must conduct themselves properly, even if they disagree with sentiments they hear expressed," he said. "No doubt the Mayor will report to General Bell any specific complaints."

Blanks Lost in Distribution

The enormous size of the New York City census is shown by the fact that the registration began, there were 2,500,000 blanks for males, and 1,750,000 for females, a total of 4,250,000. It was necessary to cover the 2,500,000 persons eligible for registration. Unscientific distribution, it is now alleged, resulted in the shortage which caused many registration places to close down Wednesday.

It was to please the women of the city, it developed yesterday, that arrangements were perfected to permit the residents of New York City to register at large—that is, to fill out their blanks at any registration station within the city limits. It was recognized by Ernest P. Goodrich, the census director for the city, that women register at large—that is, to fill out their blanks at any registration station within the city limits. It was recognized by Ernest P. Goodrich, the census director for the city, that women register at large—that is, to fill out their blanks at any registration station within the city limits.

Confidences Respected

Many of both sexes have been divorced and don't want their neighbors or their employers to know it. These go to the census director as to a confidential, and he assures them all that their records will be treated in strict confidence and that so long as they have no crime on their record they need not fear to set down the truth on their census blanks.

The death in male blanks, which caused the closing of something like 500 registration places Tuesday afternoon, was made good that night by a shipment of 364,000 from Albany and a frantic redistribution of the supply on hand. Practically all the registration places reopened yesterday, therefore. But toward last evening the lack of female blanks became pronounced.

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8,839,582 Enroll For Conscription; Six States Missing

Complete Returns Expected
to Show 9,538,000, or 95
Per Cent of Estimate

Deficiency Is 439,884
Indicated Possible Exemptions
Are 4,712,180, Provost Marshal General Says

Washington, June 14.—With returns from six states missing, the war registration total to-night stood at 8,839,582, or 93.5 per cent of the census estimate of 9,538,000 eligibles in the forty-two states reported and the District of Columbia.

If the average is maintained the registration complete will show 9,538,000 men enrolled for war service, based on the original census estimate of 10,078,000, which did not include extra supplies of cards sent to industrial centers, more than 95 per cent will have been registered, and the deficiency of 439,884 will be below the estimated number of men of registration age now in the military or naval service and not required to register.

Governor McCall, Massachusetts, telegraphed Provost Marshal General Crowder to-night that his state, with a few precincts to be heard from, had recorded 335,323, and soon would send a complete report showing about 360,000.

The complete returns at the provost marshal general's office are divided as follows: White, 6,712,456; negro, 925,000; aliens, 1,993,436; alien exempt, 108,751; indicated possible exemptions, 4,712,180.

New York Only Section
Of State Where Difficulty
Is Met in Registration

Reports from fifty-three out of the fifty-seven counties in New York State received yesterday by Captain G. G. Henry, director of the State Military Census, show that the registration is progressing satisfactorily in all outlying districts, difficulties having been countered only in New York City, where there is a shortage of blanks.

Nassau County reported that it expects to finish its census by the end of the week, and praised the efficient work of its members of the Women's Suffrage Party who are in charge of the registration. Niagara County officials, making a house-to-house canvass, expected to complete its registration by last Wednesday night. Every district showed the willingness of its residents to help in making the great undertaking a success.

The task in New York City, with its 2,500,000 men and women between the ages of sixteen and fifty, is made more difficult, because there are more than 600,000 persons here who cannot write English.

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40 Draft Resisters Taken in Raid on Mass Meeting

Goldman-Berkman Gather-
ing Ended by U. S.
Agents and Soldiers

Some Admit Anarchy
Men of Military Age Who
Couldn't Show Registration
Cards Taken

Officials of the United States District Attorney's office, reinforced by 100 soldiers, surrounded a No-Conscription League mass meeting at Forward Hall, 175 East Broadway, last night. They took into custody forty men who were unable to show registration cards, but released them all except two, on condition that they appear to-day at the Federal Building. One thousand persons filled the hall, while 5,000 more outside were held back by the police.

While Emma Goldman and Alexander Berkman were predicting that a "reign of terror" would result from conscription and that an open air meeting, planned for Madison Square on the afternoon of June 23, would be "the beginning of a social revolution in this country," United States Marshal McCarthy and Assistant District Attorney Harold A. Content placed soldiers at all the doors six deep.

Had to Show Cards

As the crowd left the hall the soldiers cried out: "All men show your registration cards." Those who had no cards were shoved to one side.

Within thirty minutes forty men had been put under guard in the business office of "The Forward" for examination.

Noahum Rochlin, of Brooklyn, twenty-two years old, a tailor, was the first man arrested. "Did you register?" asked Mr. Content.

"I certainly did not," he replied. "I am a vegetarian. As I refuse to kill things to eat, I also refuse to kill human beings."

"Are you an anarchist?"

"I am worse than an anarchist. I am going to continue to be one."

He was handcuffed to a soldier and taken to the 7th Precinct station.

Julius Goldman, nineteen years old, of Manhattan, was arrested because he replied he believed in the principle of anarchy. As he said he had been in this country only three and a half years he was charged with being an alien advocating anarchy.

Says Soldiers Kicked Him

As each man was released he was escorted into the street. Charles Penner, 933 Fox Street, the Bronx, broke out in a fit of hysterics when he was released. He complained that a soldier had kicked him.

While Sergeant Benjamin Silverman, of the regular army, and a soldier of the inspector brought applause from the crowd, the soldiers were ill-treating the woman. The interference of the inspector brought applause from the crowd, the soldiers were ill-treating the woman. The interference of the inspector brought applause from the crowd, the soldiers were ill-treating the woman.

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